

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MITCHELL SPROESSIG,

Plaintiff,

v.

JAMES BLESSMAN, et al.,

Case No. 1:19-cv-693

Hon. Hala Y. Jarbou

Defendants.

ORDER

Plaintiff Mitchell Sproessig, a state prisoner, brings a *pro se* civil rights action under 42 U.S.C. § 1983. Dr. Keith Papendick, the sole remaining Defendant in this action, moved for summary judgment based on Sproessig's purported failure to exhaust administrative remedies. (ECF No. 15.) The matter was referred to a magistrate judge, who produced a Report and Recommendation (R&R, ECF No. 22) recommending the Court deny summary judgment and *sua sponte* dismiss a state law claim asserted by Sproessig.

The R&R was duly served on both parties, who each had fourteen days to file objections. No objections have been filed. The Court will therefore adopt the R&R, deny the motion for summary judgment, and dismiss Sproessig's claim based on Mich. Comp. Laws § 19.142. *See Lopp v. Washington*, No. 1:19-cv-540, 2019 WL 4161190, at *4 (W.D. Mich. Sept. 3, 2019) ("Plaintiff [prisoner] lacks both standing and legal authority to enforce Mich. Comp. Laws § 19.142. A private citizen 'lacks a judicially cognizable interest in the prosecution or nonprosecution of another.' *Diamond v. Charles*, 476 U.S. 54, 64 (1986)[.]").

Accordingly,

IT IS ORDERED that the R&R (ECF No. 22) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendant's motion for summary judgment (ECF No. 15) is **DENIED**.

IT IS FURTHER ORDERED that Plaintiff's claim asserted under Mich. Comp. Laws § 19.142 is **DISMISSED**.

Dated: July 23, 2021

/s/ Hala Y. Jarbou
HALA Y. JARBOU
UNITED STATES DISTRICT JUDGE